

October 13, 2003

STEPHEN M DEAN
8082 WAYNE AVE
STANWOOD WA 98292

Subject: PDC Case No. 03-490

Dear Mr. Dean:

The Public Disclosure Commission staff has completed its investigation of your complaint filed on June 25, 2003, alleging that Aaron Reardon's website falsely claimed the endorsement of various individuals and elected officials, in violation of RCW 42.17.530.

The PDC staff reviewed your allegations in light of the following statute:

RCW 42.17.530 prohibits a person from sponsoring with actual malice political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Any violation must be proven by clear and convincing evidence.

You alleged that *"Mr. Reardon's campaign has posted a list of claimed endorsements on its website. . . . The list . . . includes many names of individuals and elected officials who, in fact, have not endorsed Mr. Reardon's candidacy."*

We found that:

- Aaron Reardon's website, www.aaronreardon.com, was established approximately three years ago. The website has been used for promoting previous campaigns and communicating with constituents.
- Aaron Reardon's campaign volunteer, Dylan Malone, has provided the sole technical support to the website for approximately the last year.
- The list of endorsers that appeared on the website was from Aaron Reardon's 2002 campaign for election to the Washington State Senate.

- Aaron Reardon contacted Mr. Malone in May and requested that he make several changes to the website, including changing the Endorsements so that only “Under Construction” appeared on the page.
- Aaron Reardon learned in June that the changes had not been made and contacted Mr. Malone a second time and asked him again to block the endorsements page on the website.
- Changes to the Endorsements page of *www.aaronreardon.com* were made by July 7, 2003 so that it read only “Under Construction.”

The campaign’s website contained the names of supporters from past campaigns who had not endorsed Senator’s Reardon’s current campaign for Snohomish County Executive. However, there is no evidence that Senator Reardon acted with “actual malice” by leaving those names on his website. Senator Reardon, in May, asked the campaign volunteer who provided technical support for the website to remove the endorsers’ names. Senator Reardon repeated his request the following month when the names of endorsers could still be accessed on his website. On July 7, 2003, the campaign received confirmation of the change to the website, the names of endorsers had been blocked and could no longer be read on the website.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Aaron Reardon.

Sincerely,

Vicki Rippie
Executive Director

c: Senator Aaron Reardon